



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1998

Mr. James Raup
McGinnis, Lochridge & Kilgore, L.L.P.
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701

OR98-1674

Dear Mr. Raup:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116824.

The Round Rock Independent School District (the "district"), which you represent, received an open records request for "any information you may have regarding registered sex offenders residing in the [district]." You have submitted to this office several notifications the district has received from local law-enforcement agencies, in accordance with articles 62.03(e) and 62.04(f) of the Code of Criminal Procedure, regarding registered sex offenders residing within the district. You inquire as to the types of information contained in these notifications the district may release to the public.

In Open Records Decision No. 645 (1996), this office addressed the extent to which school districts must release information about registered sex offenders to the public pursuant to the Open Records Act and the statutory predecessor to chapter 62 of the Code of Criminal Procedure:¹

Although the sex offender registration statute contains no special provisions as to what information the school district may or may not release to the public, section 552.002(a)(1) of the Government Code specifically provides that all information "collected, assembled, or maintained" by a governmental body pursuant to a law or ordinance is public information unless the information comes within one of the Open Records Act's specific exceptions to disclosure listed in

¹Article 6252-13c.1, V.T.C.S., was amended and "redesignated" as articles 62.01 through 62.12 of the Code of Criminal Procedure in 1997. See Act of June 1, 1997, 75th Leg., R.S., ch. 668, § 1, 1997 Tex. Gen. Laws 2253.

(2) that is required by the department under Article 62.02(b)(5); or

(3) that would identify the victim of the offense for which the person is subject to registration.

We have reviewed the sex offender notifications that you submitted to this office and conclude that the district must withhold the categories of information listed in article 62.08(b).² Accordingly, the district must release only the following categories of information regarding each registered sex offender: the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, shoe size, residential street name (but not number), the type of offense the person was convicted of, the age of the victim, the date of conviction, the punishment received, and information reflecting whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision. We have marked the information in the notifications submitted to this office that the district must withhold; the remaining information is public and must be released.

Finally, you inquire whether the district may release sex offender information to the public without first receiving a written request for the information under the Open Records Act. Section 552.007 of the Government Code provides:

(a) This chapter does not prohibit a governmental body or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law.

(b) Public information made available under Subsection (a) must be made available to any person.

The district therefore may release information about sex offenders that it receives in notifications from local law-enforcement authorities without first receiving a request for the information, provided that the information is not otherwise confidential and that the district then makes that same information available to any other person upon request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

²The predecessor statute to article 62.08 did not contain the equivalent to subsection (b)(2) making the additional information required under article 62.02(b)(5) confidential. Consequently, you should no longer rely upon the discussion found on page 4 of Open Records Decision No. 645 (1996) regarding former section 2(b)(4) of article 6252-13c.1.

subchapter C of Government Code chapter 552. Because much of the information to be submitted to the school districts pursuant to [the statutory predecessor to article 62.03(e)] is specifically made either public or confidential by [the statutory predecessor to article 62.08(b)] of the sex offender registration statute, *the school districts must release and withhold registrant information they receive from the local law enforcement authority in accordance with [article 62.08(b)].* [Emphasis added.]

Open Records Decision No. 645 (1996) at 8.

Article 62.02(b) requires that the registration form include the following information:

- (1) the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;
- (2) a photograph of the person and a complete set of the person's fingerprints;
- (3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;
- (4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; and
- (5) any other information required by the department.

Article 62.08, on the other hand, establishes the types of information contained in the registration forms that may not be released to the public and provides in pertinent part as follows:

(a) The [Texas Department of Public Safety] shall maintain a computerized central database containing only the information required for registration under this chapter.

(b) The information contained in the database is public information, with the exception of the [registrant's] photograph or any information:

- (1) regarding the person's social security number, driver's license number, numeric street address, or telephone number;

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/ch

Ref: ID# 116824

Enclosures: Marked documents

cc: Ms. Stacy E. Dukes
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(w/o enclosures)